

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN RE: CHOCOLATE
CONFECTIONARY ANTITRUST
LITIGATION** : **MDL DOCKET NO. 1935**
: **(Civil Action No. 1:08-MDL-1935)**
: **(Judge Conner)**

THIS DOCUMENT APPLIES TO: :
: **ALL CASES** :

ORDER

AND NOW, this 20th day of January, 2010, upon consideration of the motion (Doc. 726) to dismiss pursuant to Rule 12(b)(1), filed by defendant Hershey Canada, Inc., the motion (Doc. 731) to compel the production of pricing, sales, and marketing documents from plaintiffs, filed by defendants, and the motion (Doc. 733) to compel Mars, Inc. to produce responsive documents from the files of its wholly-owned subsidiary, Mars Canada, Inc., filed by plaintiffs, and for the reasons set forth by the court on the record at the hearing on January 19, 2010, it is hereby ORDERED that:

1. The motion (Doc. 726) to dismiss pursuant to Rule 12(b)(1) is DENIED.
2. The motion (Doc. 731) to compel the production of pricing, sales, and marketing documents from plaintiffs is DENIED.
3. The motion (Doc. 733) to compel Mars, Inc. to produce responsive documents from the files of its wholly-owned subsidiary, Mars Canada, Inc. is GRANTED. See FED. R. CIV. P. 34.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge